



#0500927

Federal Communications Commission
Washington, D.C. 20554

May 18, 2005

Dan Farris
180 West Dublin Drive #402
Madison, Alabama 35758

Dear Mr. Farris:

Senator Richard C. Shelby has referred your correspondence, dated April 8, 2005, to the Federal Communications Commission (Commission) for consideration. In your email, you indicate your support for the Commission's proposal to relax restrictions on the airborne use of cellular telephones, and ask that current rules be updated to reflect changes in our society.

On February 15, 2005, the Commission released a *Notice of Proposed Rulemaking (Notice)* in WT Docket No. 04-435 that proposes to relax the Commission's current ban on the use of 800 MHz cellular telephones in airborne aircraft, including airplanes. In 1991, the Commission adopted the current ban on the airborne use of cell phones based on the concern that such use interferes with terrestrial cellular networks. In contrast, the Federal Aviation Administration (FAA) regulates the use of cellular telephones, as well as other transmitting portable electronic devices (T-PEDs), on airplanes, due to concern that such devices may interfere with aircraft communications and navigation systems.

Since 1991, advances in technology appear to address the Commission's initial concerns of interference that warranted adoption of the ban. Consequently, the Commission believes that it may now be possible for the traveling public to use their cell phones while airborne without increasing the risk of interference to cellular systems on the ground. Accordingly, in the *Notice*, the Commission proposes to relax the ban on the airborne use of cellular telephones so long as the phones are controlled by a "pico cell" installed onboard private or commercial aircraft that directs the handsets to operate at or near their lowest applicable power settings. It also seeks comment on the practicality of an industry-initiated solution that would enable use of airborne cellular units without the FCC having to mandate technical rules. Finally, the *Notice* seeks comment as to whether the Commission should allow licensees to provide 800 MHz cellular service to airborne wireless units on a secondary basis, subject to certain technical limitations that would ensure no interference to terrestrial operations.

I appreciate your interest in this matter. Your email, as well as this response, will be placed in the record of this proceeding. Please do not hesitate to contact me, or Guy Benson, Mobility Division, Wireless Telecommunications Bureau, at 202-418-2946, if we can be of further assistance.

Sincerely,

Linda C. Chang
Associate Chief, Mobility Division
Wireless Telecommunications Bureau

Copy to: The Honorable Richard C. Shelby

RICHARD SHELBY
ALABAMA

COMMITTEE ON BANKING, HOUSING,
AND URBAN AFFAIRS

COMMITTEE ON APPROPRIATIONS
— SUBCOMMITTEE ON COMMERCE,

JUDICIARY AND SCIENCE
COMMITTEE ON AGING

CLERK SENATE OFFICE BUILDING
WASHINGTON, DC 20510-0103
(202) 224-5744
<http://shelby.senate.gov>
E: senator@shelby.senate.gov

United States Senate
WASHINGTON, DC 20510-0103

April 15, 2005

Mr. Dan Farris
180 West Dublin Drive #402
Madison, Alabama 35758

Dear Mr. Farris:

Thank you for taking the time to contact me regarding cell phones on airplanes.

I have contacted the FCC on your behalf and have asked them to respond to your concerns. You should expect a reply to your concerns directly from the agency in a timely manner. Please do not hesitate to contact me about this or other matters in the future.

Sincerely,

Richard Shelby

Richard Shelby

RCS/cws

STATE OFFICES:

- 1800 FIFTH AVENUE NORTH
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BIRMINGHAM, AL 35203
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RICHARD SHELBY
ALABAMA

IN—COMMITTEE ON BANKING, HOUSING,
AND URBAN AFFAIRS

COMMITTEE ON APPROPRIATIONS

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April 15, 2005

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Ms. Sheryl J. Wilkerson
Office of Legislative Affairs
Federal Communications Commission
Room 8-C453
445 12th Street, S.W.
Washington, D.C. 20554

Dear Ms. Wilkerson:

Enclosed, please find a copy of correspondence I received
from Dan Farris.

Please review the enclosed and address the concerns raised.
I have notified my constituent to expect a timely reply directly
from you.

Sincerely,

Richard Shelby

Richard Shelby

RCS/cws
Enclosure

WHS
OK

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463 488

589700

Shelby, Senator (Shelby)

From: danfarris@yahoo.com
Date: Friday, April 08, 2005 10:03 AM
To: Shelby, Senator (Shelby)
Subject: Yes Cell Phones on Planes

C Commissioners
Federal Communications Commission RE: Docket 04-435
5 12th Street, SW
Washington, DC 20554

Dear FCC Commissioners,

I am writing to voice my support about the FCC's proposal to relax the restrictions on the use of cell phones on airplanes in flight.

Please update the current rules to reflect changes in our society.

Sincerely,

Dan Farris
80 West Dublin Drive 402
Madison, Alabama 35758

cc: Senator Richard Shelby
Senator Jeff Sessions
Representative Bud Cramer